

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JEREMY L. KISER,

Plaintiff,

v.

CIVIL ACTION NO. 2:21-cv-00334

WV DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

ORDER

Pending before the Court is Plaintiff's Complaint. (ECF No. 2.) By Standing Order entered in this Case on June 11, 2021, (ECF No. 4), this action was referred to the United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley filed his PF&R on November 15, 2022, recommending that this Court dismiss the action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. (ECF No 8.)

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general

and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on December 2, 2022. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 8), and **DISMISSES** the action **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 8, 2022



THOMAS E. JOHNSTON, CHIEF JUDGE